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COMMONWEALTH OF VIRGINIA

STATE CORPORATION COMMISSION

AT RICHMOND, AUGUST 27, 2001

APPLICATION OF

BARC ELECTRIC COOPERATIVE

CASE NO. PUE010002

For a Functional Separation Plan

PROCEDURAL ORDER

In the July 3, 2001, Order entered in the captioned matter, the State Corporation Commission ("the Commission") granted Staff's Motion for a general extension of the dates for filing the Staff's report and response to the report in BARC Electric Cooperative's ("BARC's" or the "Cooperative's") functional separation proceeding. We further directed our Staff to report on the status of the case by August 10, 2001.

On August 1, 2001, AES NewEnergy, Inc., ("AES" or "NewEnergy"), a respondent in this matter, advised that it wished to withdraw its request for hearing. AES advised that it intended to file comments, engage in discovery and settlement discussions, and exercise all rights available to any party to this proceeding.

In the August 10, 2001, Status Report filed with the Commission, among other things, Staff requested leave to supplement its Status Report, upon entry of the Final Order in

Case No. PUE000232, to propose procedural dates for filing documents in the functional separation proceeding. Staff stated that the findings and recommendations in the Final Order in Case No. PUE000232 could impact its analysis in the Cooperative's functional separation case.

On August 14, 2001, the Commission entered its Final Order in Case No. PUE000232.¹ Thereafter, Staff discussed a procedure with counsel for BARC and counsel for AES whereby Staff would file its report on September 28, 2001, and BARC and AES could file their comments, if any, in response to the report on October 12, 2001. Staff, the Cooperative, and AES are in agreement on these procedural dates.

On August 17, 2001, Staff filed a supplement to its Status Report that requested the Commission to enter an order establishing September 28, 2001, and October 12, 2001, as the dates for filing the Staff Report, and any response thereto, respectively.

NOW THE COMMISSION, upon consideration of the requests made in the August 10, 2001, Status Report, and the August 17, 2001, Supplemental Status Report, is of the opinion and finds that AES should be permitted to withdraw its request for hearing, and

¹ See Application of BARC Electric Cooperative, For a revision in retail base rates, service charges, and terms and conditions of service, Case No. PUE000232, Doc. Con. Ctr. No. 010830026 (Final Order, August 14, 2001).

that the procedural dates proposed by Staff should be adopted in this proceeding.

Accordingly, IT IS ORDERED THAT:

(1) AES is hereby permitted to withdraw its request for hearing.

(2) On or before September 28, 2001, Staff shall review the Cooperative's application, supporting documents, and the effect of our Final Order in Case No. PUE000232 on the captioned application and its accompanying materials, and shall file with the Clerk of the Commission a report detailing its findings and recommendations. The Staff shall serve a copy of its report on the parties to this proceeding.

(3) On or before October 12, 2001, BARC and AES may file with the Commission any comments on the Staff Report, and shall serve a copy of the same on the Staff and other participants to this proceeding.

(4) The remaining provisions of our February 5, 2001, Order Prescribing Notice and Inviting Comments and Requests for Hearing, and our March 1, 2001, Amending Order shall remain in effect.

(5) This matter is continued, pending further order of the Commission.